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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,379	11/02/2000	Fred Bishop	10655.7600	4909
66170 7590 10/11/2007 AMERICAN EXPRESS TRAVEL RELATED SERVICES CO., INC. c/o SNELL & WILMER, L.L.P. ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER PATEL, JAGDISH	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 10/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/704,379	Applicant(s) BISHOP ET AL.	
	Examiner JAGDISH PATEL	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 15, 16, 19, 21-25, 38, 53-58 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 15-16, 19, 21-25, 38, 53-58 and 61-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 1/30/2007.

Response to Amendment

2. Claims 6, 25, 38, and 57 have been amended. Claims 2-10, 15-16, 19, 21-25, 38, 53-58 and 61-64 are currently pending.

Response to Arguments

3. Applicant's arguments with respect to rejection of claim as being unpatentable over Walker (US 5,794,207) (Walker, '207' Patent) and further in view of Walker (US 6,108,639) (Walker, '639' Patent) and further in view of Gopinathan et al. (US 6,330,546) and Ronning (PGPub 2005/0154676). have been considered but are moot in view of the new ground(s) of rejections. The applicant's arguments with respect to the claimed feature determination of the fraud at the transaction mechanism (versus at the merchant's server, p. 10), i.e. at the card issuer level (this is indicated in the claims via the term "transaction mechanism" in the claim). However, the new ground of rejection is based on Findley (US 6108642) which is carefully reviewed in view of this assertion by the applicant. Findley teaches a method and a system to detect method of detecting fraud in a commercial transaction based upon comparison of the current (pending or proposed) purchase request with the previous purchase request and based upon the detection of the fraud authorizes or blocks the transaction request. Findley is independent of the merchant where the transaction originates and therefore is universally applicable at the card issuer level such as credit or debit card providers. In particular, Findley

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teaches a plurality of conditions (a set of criteria) in regard to comparison of the present transaction with the previous transactions.

Claim Rejections - 35 USC § 103

4. Claims 2-10, 15, 16, 19, 21-25, 38 and 53-58 and 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Findley (US Pat. 6108642) and further in view of Walker (US 6,108,639) (Walker, '639' Patent).

As per claim 6, Findley teaches a method of facilitating commercial transactions, which method comprises the steps of:

facilitating registration of a first party with a transaction mechanism having a financial account identifier for identifying a first financial account associated with said first party;

(see Findley, at least col. 3, L 27-48 information of the financial account associated with individual cardholders is stored in the purchase request information,)

receiving at said transaction mechanism a request to debit said first financial account to effectuate a purchase transaction between said first party and a second party;

(see Findley, col. 2 and Fig. 2A-B "Summary of the Invention L 32-43, purchase request information)

receiving at said transaction mechanism transaction information relating to said purchase transaction between said first party and said second party;

(see Findley, col. 2 and Fig. 2A-B "Summary of the Invention L 32-43, purchase request information)

comparing, at said transaction mechanism, said transaction information with previous transaction information to determine whether said request to debit said first financial account is fraudulent;

(col. 2 "Summary of the Invention"; and col. 2, L 61-65, (credit card account associated with a purchase request))

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determining at said transaction mechanism whether said purchase transaction is acceptable based upon at least one of said transaction information, said request to debit said first financial account and said determination whether said request to debit said first financial account is fraudulent;

(see Findley, col. 2 and Fig. 2A-B "Summary of the Invention L 32-43, purchase request information)

debiting at said transaction mechanism funds at said transaction mechanism from financial account of said first party;

(see Findley, col. 2 and Fig. 2A-B, col. 5 L 13-30);

disbursing funds at said transaction mechanism to a financial account associated with said second party,

(see Findley, col. 2 and Fig. 2A-B, col. 5 L 13-30);

While, Findley Patent teaches the aforementioned process steps pertaining to the purchase transaction, it fails to teach that a shipping agent is provided which performs the functions of receiving an item, causing the item to be delivered to the first party as per claim 6.

Walker, '639', Patent, in the same field of endeavor, however, discloses a method and system of facilitating commercial transactions which comprises a shipping agent performing the aforementioned transactional steps as follows:

receiving an item from said second party;
(col. 3 L 39-42, goods are forwarded to the dealer/authenticator)

causing said item to be delivered to said first party after said funds are credited to the said second financial account.

(col. 3 L 48-55 the dealer/authenticator can deliver the item to the buyer and authorize payment to the accepting seller)

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the aforementioned features Walker, '639', Patent in the former Walker Patent reference because it would provide assurance to the first party (e.g. a buyer) that the item being purchased from the second party (e.g. a seller) would be delivered in accordance with the purchase transaction and would guarantee the second party that a payment is received prior to the delivery of item.

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3. Claims 2-5 and 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Findley and Walker '639 patent as applied to claim 6 above, and further in view of Walker '207 patent.

Please refer to prior office action for detailed analysis.

Claim 15. The method of claim 6, comprising the step of receiving notification by said transaction mechanism from said shipping agent that said first party has received goods, services, and other value shipped from said shipping agent.

(see col. 22 "only after goods have been received by the buyer are the funds transferred ..", note that receiving notification is inherent because the central controller performs the escrow function)

Claim 16. The method of claim 6, comprising the step of providing an intermediary to facilitate said transaction between said first party and said second party.

(see for example, Fig. 1, refer to central controller 200 which performs the functions of an intermediary)

Claim 19. wherein the step of interfacing with said shipping agent comprises maintaining by said transaction mechanism at least one of said first party's and said second party's identity and address in confidence with respect to either said first or said second party.

(refer to Walker "Delayed Payment Embodiment", col. 22, note that the payment is carried out by the central controller who acts as an escrow agent).

Refer to claim 6 for motivation statement.

Claims 21-25 have been analyzed as per respective method claims 2-6. All limitations have been recited in the cited references.

Claim 38 corresponds to method claim 6 and has been analyzed accordingly.

Claims 53, 57 and 58 have been analyzed as per respective method claims 2-6. For hardware elements of the device please refer to Figures 2-4.

Claim 54: network interface in communication with said central processor (see Figure 2).

Claim 55: storage device ..customer transaction records database.. (see Fig. 2 Buyer database).

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Claims 56: said memory comprises a risk management module, transaction control module and an authentication module (see data storage device 250 having contract detail database 280, cryptographic key database 290 and CPO database which is accessible by CPU 205)

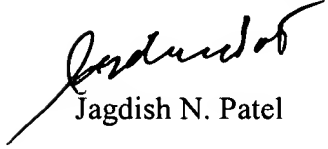
Claims both explicitly meet 61-64 cited references of Findley and (Walker, '639' Patent) since the commercial transaction pertain to item of values.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

9/27/07